

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

INNER-TITE CORP.,

Plaintiff

v.

DEWALCH TECHNOLOGIES, INC.,

Defendant

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Civil Action No.
04-40219-FDS

**DEFENDANT DEWALCH'S MOTION TO RECONSIDER THE COURT'S
MEMORANDUM AND ORDER ON CROSS-MOTIONS FOR SUMMARY
JUDGMENT AND TO STRIKE AFFIDAVITS**

Defendant DeWalch Technologies, Inc. ("DeWalch") hereby moves pursuant to Rule 60(b) of the Federal Rules of Civil Procedure for reconsideration of this Court's Memorandum and Order on Cross-Motions for Summary Judgment and to Strike Affidavits dated August 31, 2007 (Dkt. No. 70). For the reasons set forth in the accompanying memorandum, DeWalch respectfully requests that this Court grant DeWalch's Motion for Summary Judgment of Non-Infringement (Dkt. No. 38) and DeWalch's Motion to Strike the Rafferty Affidavit and Drawings (Dkt. No. 44). A proposed order is attached as Exhibit A.

CERTIFICATION PURSUANT TO LOCAL RULE 7.1

I hereby certify that counsel for the parties have conferred regarding the issues presented by this motion and that Plaintiff's counsel does not consent to this motion.

Dated: December 5, 2007

Respectfully Submitted,

/s/ Denise W. DeFranco
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Certificate of Service

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on the NEF.

Dated: December 5, 2007

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